

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VARONICA CLAYBURN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:19CV1900 HEA
)	
BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS & EXPLOSIVES, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Order and Recommendation of Magistrate Judge David D. Noce, addressing Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives' Motion to Dismiss, [Doc. No. 6]. In his August 9, 2019 Memorandum and Order, Judge Noce found that Plaintiff's complaint did not state a claim in accordance with Federal Rule of Civil Procedure 12(b)(6) and instructed the *pro se* Plaintiff to submit an amended complaint on a court-provided form. Judge Noce included detailed instructions for filing a sufficient complaint and granted Plaintiff until September 12, 2019 to file an amended complaint. Plaintiff did not file an amended complaint. On September 30, 2019, Judge Noce ordered that Plaintiff show cause why this case should not be dismissed by October 14, 2019. Plaintiff did not respond to the show cause order. In his October 15, 2019, Order and Recommendation, Judge Noce recommended

that the Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives' Motion to Dismiss be granted and the case be dismissed without prejudice. Plaintiff has not filed written objections to this recommendation. Upon review the Court adopts the well-reasoned Report and Recommendation of Judge Noce.


The conclusion of Judge Noce that the complaint fails to state a claim upon which relief can be granted is based on thorough and sound legal analysis. Plaintiff has been given opportunities to remedy her complaint but has failed to respond. The Court agrees with Judge Noce's conclusions in their entirety. The Recommendation is adopted *in toto*.

Accordingly,

IT IS HEREBY ORDERED that Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives' Motion to Dismiss, [Doc. No. 6], is **GRANTED**.

IT IS FURTHER ORDERED that this action be **DISMISSED without prejudice**.

Dated this 4th day of November, 2019.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE